


 U.S. DEPARTMENT OF COMMERCE  
 PATENT AND TRADEMARK OFFICE

**REQUEST FOR CONTINUED EXAMINATION (RCE)**
**TRANSMITTAL FORM (37 C.F.R. § 1.114)**

DOCKET NO. 52494/2101	APPLICATION SERIAL NO. 09/040,103	EXAMINER David Guzo	ART UNIT 1636
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 INVENTOR(S):  
 MASON

 Address to:  
 Assistant Commissioner for Patents  
 Washington D.C. 20231

This is a **request for continued examination** under 37 C.F.R. § 1.114 (RCE) of pending application Serial No. 09/040,103, filed on March 17, 1998, entitled USE OF HUMAN SERUM RESISTANT VECTOR PARTICLES AND CELL LINES FOR HUMAN GENE THERAPY.

 The following constitute the submission **required** by 37 C.F.R. § 1.114(a) and is attached:

- ☒ Amendment  
☐ Information Disclosure Statement  
☐ Drawing Changes  
☐ Other Submission: \_\_\_\_\_

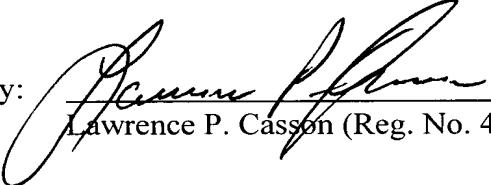
1. The filing fee for this RCE and the required amendment/submission is calculated below. The fee below is calculated based on the status of the claims after the entry of the attached amendment/submission. The fee for any new additional claims is included with this RCE, the fee for previously entered additional claims having already been paid.

	CLAIMS REMAINING AFTER AMENDMENT	MINUS	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT NUMBER EXTRA*	RATE (\$ PER CLAIM	FEE (\$)
BASIC FEE						710.00
TOTAL CLAIMS	116		88	28	18.00	504.00
INDEPENDENT CLAIMS	2		3	0	80.00	0.00
MULTIPLE DEPENDENT CLAIM					270.00	
				Must be zero or larger	TOTAL	1,214.00
If Applicant is a small entity under 37 C.F.R. §§ 1.9 and 1.27, then divide total fee by 2, and enter amount here.				SMALL ENTITY TOTAL		607.00

2. Please charge the required RCE and submission filing fee of **\$607.00** for small entity to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
3. Applicants respectfully requests a five-month extension of time in which to file a response to the Notice of Appeal filed, November 27, 2000, for which a response period expiring on December 30, 2000 was set. The extended period expires on July 2, 2001 (June 30, 2001 being a Saturday). Commissioner is hereby authorized to charge payment of the 37 C.F.R. § 1.136(a) extension fee of **\$945.00** for small entity to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
4. The Commissioner is hereby authorized to charge payment of fees, including any additional fees required, associated with this communication or arising during the pendency of this application, or to credit any overpayment, to the deposit account of **Kenyon & Kenyon**, deposit account number **11-0600**.
5. A duplicate copy of this transmittal form is enclosed.

Respectfully submitted,

Dated: July 2, 2001

By:   
Lawrence P. Casson (Reg. No. 46, 606)

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## SPECIAL NOTES REGARDING RCE PROCEDURES

- RCE practice is **not applicable** to provisional applications, design applications, applications filed before June 8, 1995, or during reexamination. See 37 C.F.R. § 1.114(d) below.
- This RCE form **must** be accompanied by a "submission" (e.g., an amendment). See 37 C.F.R. § 1.114(a), (b).

### Additional Notes

- Treat claim fee calculation as you would an amendment filed by itself.
- The applicant may not defer paying the fee for an RCE.
- An RCE is entitled to the benefit of a Certificate of Mailing under 37 C.F.R. § 1.8.
- Inventorship carries/continues. Any change must be via 37 C.F.R. § 1.48.
- Small entity status carries/continues.

### 37 C.F.R. § 1.114(d)

"(d) The provisions of this section **do not** apply in any application in which the Office has not mailed at least one of an Office Action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151. The provisions of this section also **do not** apply to:

- (1) A provisional application;
- (2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
- (3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
- (4) An application for a design patent; or
- (5) A patent under reexamination."

Interim Rule, 65 Fed. Reg. 14865, 14872-73 (March 20, 2000).